

EXHIBIT A

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE 53rd	SUMMONS	CASE NO. 2021- 8874 -NO
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Court address
 870 S. Main Street, Cheboygan, MI 49721

Court telephone no.
 231-627-8846

Plaintiff's name(s), address(es), and telephone no(s).

RANDIE LEACH

Plaintiff's attorney, bar no., address, and telephone no.

THOMAS P. MURRAY, JR. (P43773)
 THE SAM BERNSTEIN LAW FIRM
 1787 Grand Ridge Ct., NE, Ste. 202
 Grand Rapids, MI 49525
 (616) 608-0338

Defendant's name(s), address(es), and telephone no(s).

WALMART SUPERCENTER
 c/o Resident Agent: The Corporation Company
 40600 Ann Arbor Road, Suite 201
 Plymouth, MI 48170

A TRUE COPY

OCT 26 2021

Karen L. Proulx
 CLERK REGISTER

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court, where

it was given case number _____ and assigned to Judge _____

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 10-26-2021	Expiration date* 01-25-2022	Court clerk <i>Kristen Chater, Op. Clk</i>
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

PROOF OF SERVICE

SUMMONS
Case No. 2021- **8874** -NO

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with _____

List all documents served with the summons and complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
 Date

My commission expires: _____ Date Signature: _____
 Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____
 Attachments

_____ on _____
 Day, date, time

Signature _____ on behalf of _____

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF CHEBOYGAN

RANDIE LEACH,

Plaintiff,

Case No. 21- 8874 -NO

v.

Hon.

WALMART SUPERCENTER
a Foreign Limited Partnership,

Defendant.

THE SAM BERNSTEIN LAW FIRM, PLLC
THOMAS P. MURRAY, JR. (P43773)
Attorney for Plaintiff
1787 Grand Ridge Court, Ste. 202
Grand Rapids, MI 49525
(616) 608-0338
tmurray@sambernstein.com
cforman@sambernstein.com - Assistant

AT TRUE COPY
CCT 12/9/21
Blessed
CLERK REC'D

COMPLAINT AND JURY DEMAND

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint, nor has any such action been previously filed and dismissed or transferred after having been assigned to a Judge, nor do I know of any other civil action not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint.

/s/ Thomas P. Murray, Jr.
Thomas P. Murray, Jr. (P43773)

NOW COMES the above-named Plaintiff, Randie Leach, by and through her attorneys, THE SAM BERNSTEIN LAW FIRM, PLLC, by Thomas P. Murray, Jr., and for her Complaint, states unto this Honorable Court as follows:

COUNT I – JURISDICTION AND VENUE

NOW COMES the Plaintiff, Randie Leach, by and through her attorneys, The Sam

Bernstein Law Firm, PLLC, by Thomas P. Murray, Jr. and for her cause of action against the Defendant, Walmart Supercenter, a Foreign Limited Partnership, respectfully states unto this Honorable Court as follows:

1. That Plaintiff, Randie Leach, is a resident of Clinton Township, Macomb County, Michigan.
2. That Defendant, Walmart Supercenter is a Foreign Limited Partnership registered with the Michigan Department of Commerce and which conducts business within Cheboygan, Cheboygan County, Michigan and which resident agent is The Corporation Company located at 40600 Ann Arbor Road, Suite 201, Plymouth Michigan 48170.
3. That all the acts, transactions and occurrences set forth in this Complaint arose in Cheboygan, Cheboygan County, Michigan.
4. That the amount in controversy in this litigation exceeds the sum of Twenty-five Thousand (\$25,000.00) Dollars exclusive of costs, interest and attorney fees.
5. Venue is proper in this honorable court.

COUNT II - PREMISES LIABILITY

6. Plaintiff, Randie Leach, does hereby incorporate paragraphs 1 through 5 as though fully set forth herein.
7. That on or about May 28, 2020, said Defendant was then and there the owner, operator, manager and/or in control of the premises located at 1150 S. Main Street, Cheboygan, Michigan also known as Walmart Supercenter Store 2100.
8. That on the aforementioned date, Plaintiff, Randie Leach, was a business invitee upon said property and while carefully walking on the premises, did slip and fall to the ground with great force and violence due to the dangerous conditions (wet floor) then and there existing.

9. That at all times relevant hereto, Defendant owed a duty to Plaintiff, who was lawfully upon the premises, to maintain its premises in a safe condition free from danger, to exercise reasonable care to diminish the hazards relating to the premises, and such duties further required that reasonable and appropriate measures, in light of existing and created circumstances, be taken to prevent dangerous conditions.

10. That at all times relevant hereto, the Defendant owed a duty to Plaintiff, lawfully proceeding upon the premises, to keep said premises in a safe condition, free from dangerous conditions then and there existing.

11. That in total disregard of such duties the Defendant, at all times material herein, breached said duties in one or more of the following particulars, but not necessarily limited to:

- (a) Negligently, carelessly and recklessly creating a dangerous and hazardous condition to individuals who traverse said premises, to wit: water on the floor;
- (b) Negligently, carelessly and recklessly maintaining their premises in a dangerous condition when it was known, or should have been known that the particular configurations and uses of their property posed a propensity toward the formation of a hazardous and unsafe condition, to wit: water on the floor;
- (c) Negligently, carelessly and recklessly increasing the hazard of walking on the premises by the creation of the aforesaid defect and by failing to correct said situation;
- (d) Negligently, carelessly and recklessly allowing an unnatural condition to remain on the premises so as to endanger those persons lawfully upon same;
- (e) Negligently, carelessly and recklessly failing to remediate a dangerous condition then and there existing on the premises;
- (f) Negligently, carelessly and recklessly failing to provide Plaintiff with reasonable and safe means of necessary access in and about said premises;
- (g) Negligently, carelessly and recklessly failing to keep the premises and all

common areas therein fit for foreseeable uses;

- (h) Negligently, carelessly and recklessly failing to remove said defect after notice of the dangerous condition thereof;
- (i) Negligently, carelessly and recklessly failing to use reasonable care to protect the Plaintiff and those like her from and against the hazards described herein;
- (j) Negligently, carelessly and recklessly allowing said premises to become and remain in poor repair;
- (k) Negligently, carelessly and recklessly failing to inspect said premises so as to discover a dangerous condition of which Defendant knew, or had reason to know existed;
- (l) Negligently, carelessly and recklessly failing to alleviate a dangerous condition which Defendant knew, or had reason to know existed;
- (m) Negligently, carelessly and recklessly failing to warn Plaintiff and those like her of the dangerous condition then and there existing;
- (n) In otherwise negligently, carelessly and recklessly failing to exert that degree of care, caution and diligence as would be demonstrated by a reasonably prudent person under the same or similar circumstances, and in otherwise causing the injuries and damages to Plaintiff as hereinafter alleged;
- (o) Negligently, carelessly and recklessly being guilty of other acts of negligence currently unknown to Plaintiff, but which will be ascertained through the discovery process.

12. That as a direct and proximate result of the negligent acts and/or omissions on the part of the Defendant, Walmart Stores, Inc., Plaintiff was caused to fall to the ground with great force and violence and to suffer severe, grievous and permanent personal injuries, disability and damages, the full extent and character of which are currently unknown, but which will include, but are not necessarily limited to:

- (a) right rotator cuff tear with surgical repair;
- (b) left full thickness rotator cuff tear;

- (c) closed head injury with sequelae;
- (d) post traumatic headaches;
- (e) soft tissue injury and pain in the neck
- (f) residual scarring;
- (g) Pain, suffering, discomfort, disability, extreme physical and emotional suffering;
- (h) Severe and continuing embarrassment, humiliation, anxiety, tension and mortification;
- (i) Loss of the natural enjoyments of life;
- (j) Expenditures for physicians, hospitals, medicinal things and substances.
- (k) Aggravation of pre-existing arthritic conditions.

WHEREFORE, Plaintiff, Randie Leach, prays this Honorable Court award her damages in whatever amount to which she is entitled to receive, together with costs, interest and attorney fees.

Respectfully submitted,

Dated: October 22, 2021

THE SAM BERNSTEIN LAW FIRM, PLLC

/s Thomas P. Murray, Jr.

Thomas P. Murray, Jr. (P43773)

Attorney for Plaintiff

1787 Grand Ridge Court, Ste. 202

Grand Rapids, MI 49525

(616) 608-0338

tmurray@sambernstein.com

cforman@sambernstein.com - Assistant

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF CHEBOYGAN

RANDIE LEACH,

Plaintiff,

Case No. 21-

-NO

v.

Hon.

WALMART SUPERCENTER
a Foreign Limited Partnership,

Defendant.

THE SAM BERNSTEIN LAW FIRM, PLLC
THOMAS P. MURRAY, JR. (P43773)
Attorney for Plaintiff
1787 Grand Ridge Court, Ste. 202
Grand Rapids, MI 49525
(616) 608-0338
tmurray@sambernstein.com
cforman@sambernstein.com - Assistant

JURY DEMAND

NOW COMES the Plaintiff, Randie Leach, by and through her attorneys, THE SAM BERNSTEIN LAW FIRM, PLLC, by Thomas P. Murray, Jr., and hereby respectfully requests a trial by jury in the above-entitled cause of action.

Respectfully submitted,

Dated: October 22, 2021

THE SAM BERNSTEIN LAW FIRM, PLLC

/s/ Thomas P. Murray, Jr.
Thomas P. Murray, Jr. (P43773)
Attorney for Plaintiff
1787 Grand Ridge Court, Ste. 202
Grand Rapids, MI 49525
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